

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

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ROSEZOLA SELLERS, )  
Plaintiff, )  
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v. ) C.A. No. 05-381 S  
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UNITED STATES DEPARTMENT OF )  
DEFENSE AND ROBERT M. GATES, )  
SECRETARY OF DEFENSE, )  
Defendant. )  
 )

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**OPINION AND ORDER**

WILLIAM E. SMITH, United States District Judge.

Before this Court is an appeal of the Order of Magistrate Judge David L. Martin denying Plaintiff Rosezola Sellers': (1) Second Amended Motion to Amend Complaint; (2) Motion to Compel More Responsive Answers to Interrogatories; and (3) Motion to Compel More Responsive Answers to Document Requests.<sup>1</sup> Magistrate Judge Martin denied these motions as set forth in his well-reasoned Order. Plaintiff now appeals that Order arguing essentially that

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<sup>1</sup> Although Plaintiff styled her appeal as an "Objection to 'Report and Recommendation,'" what is being appealed is actually an order of the Magistrate Judge. Consequently, Plaintiff was required to, but apparently did not, comply with LR Cv 72(c), which requires appellants to, *inter alia*, submit "a notice of appeal setting forth the basis for the appeal, a memorandum of law which complies with LR Cv 7, and a transcript of any evidentiary hearing(s) before the magistrate judge and/or any statements by the magistrate judge of the reasons for the order or ruling." Plaintiff apparently submitted only her "Objection to 'Report and Recommendation.'"

Magistrate Judge Martin applied an overly restrictive interpretation of Fed. R. Civ. P. 8(a)(2) and 15(a), relating to notice pleading requirements and amendment of pleadings, respectively, as well as of decisional law expatiating upon the timeliness of discovery motions.

Pretrial matters referred to a magistrate judge for determination are governed by 28 U.S.C. § 636(b)(1)(A). Such decisions of the magistrate judge may be reconsidered only "where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." After reviewing the papers submitted by the parties and the authorities cited therein, the Court has concluded that Magistrate Judge Martin's analysis is not clearly erroneous or contrary to law and that it is, in fact, the correct analysis given the circumstances of this case. So, for the reasons set forth in the Order of Magistrate Judge Martin, Plaintiff's Motions are DENIED.

IT IS SO ORDERED.

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William E. Smith  
United States District Judge  
Date: 2/8/08